

REMARKS / ARGUMENTS

A. GENERALLY

Claims 1- 38 remain in this application. Claims 1-3, 7-11, 13-14, 17-21, and 24-32 have been amended. Claims 33-38 have been added. No new matter has been added by the amendments made herein.

Applicant appreciates the opportunity for an interview afforded the Applicant on February 9, 2006. Applicant's summary of the interview is included at the conclusion of this response

B. CLAIM REJECTIONS

CLAIM REJECTIONS - 35 U.S.C §102(b)

Claims 25-28 and claim 31 have been rejected under 35 USC §102(b) as being anticipated by Elliot, U.S. Patent No. 6,243,039 ("Elliot"). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP §2131 8th Ed. (Rev. 1). In order for a patent claim to be anticipated, the prior art reference must teach or suggest each and every limitation of the claimed invention.

Additionally, when applying a reference to the pending claims of an application, the pending claims must be "given their broadest reasonable interpretation consistent with the specification" *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). In *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997), the court held that the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification." The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999). (See, MPEP §2111 (8th Ed., Rev. 1); emphasis added by underlining).

Independent claim 25 (as examined) was directed to a method for locating wireless devices on an ad hoc network:

25. A method for locating wireless devices on an ad hoc network comprising:
- creating a identifier for a wireless device;
 - establishing a location rule for the wireless device;
 - receiving location data from the wireless device;
 - determining whether the wireless device is in violation of the location rule; and
 - in the event the wireless device is in violation of the location rule, reporting the location of the wireless device to at least one other wireless device on the ad hoc network.

The central transmitter-receiver of Elliot is the base station of a wireless network (See, Elliot, Col. 5, lines 1-8). It is **not** a wireless device that is monitored nor is it portable.

In the rejection of claim 31, the limitation, “reporting the location of the monitored unit to at least one other monitored unit on the ad hoc network,” was found to be disclosed by the central transmitter-receiver disclosed by Elliot (citing Elliot at Col. 3, lines 23-63.) Applicant respectfully submits that this excerpt from Elliot discloses two modes of notification: auto-notification to a monitoring party and notification via a call center that manually notifies a third party of location information of a monitored party. The only monitoring party that Elliot identifies is the central transmitter-receiver. The central transmitter-receiver is not monitored and is not, therefore, a “monitored party.” Thus, Elliot does not teach or disclose the limitation “reporting the location of the monitored unit to at least one other monitored unit on the ad hoc network.”

Moreover, the office action acknowledged in the context of a rejection of claim 1 (discussed below) that Elliot does not disclose reporting the location of a wireless monitoring device to itself. The office action also acknowledged in context of a rejection of claim 13 (discussed below), that Elliot does not teach reporting the location of a first member of a group to a second member of a group.

Applicant has amended claim 25 to expressly describe the monitored devices as portable and to further clarify that that a portable device on the network is able to communicate directly with another portable device on the network. As amended, claim 25 reads as follows:

25. A method for locating portable wireless monitored devices on an ad hoc network

comprising:

- creating an identifier for a portable wireless monitored device;
- establishing a location rule for the portable wireless monitored device;
- receiving location data from the portable wireless monitored device;
- determining whether the portable wireless monitored device is in violation of the location rule; and
- in the event the portable wireless monitored device is in violation of the location rule, reporting the location data of the portable wireless monitored device directly to at least one other portable wireless monitored device on the ad hoc network.

Claims 26-28 (as amended) depend from claim 25 (as amended) and are also allowable over the cited prior art.

Claim Rejections Under 37 CFR §103(a)

Claims 29-30 were rejected as being unpatentable over Elliot in view of United States Patent 5,557,259 issued to Musa (herein, "Musa").

Claims 29 and 30 depend from claim 25 (as amended) and thus recite all of the limitations of the base claim. Because claim 25 (as amended) is allowable over Elliot, the combination of Elliot and Musa does not teach or disclose all of the limitations of claim 29 (as amended) and claim 30 (as amended). For the foregoing reasons and the reasons presented with respect to claim 25, Applicant respectfully submits that claims 29-30 are allowable over the cited prior art.

Claims 1-8, 11-24, and 32 have been rejected as being unpatentable over Elliot in view of U.S. Patent 6,100,806 issued to Gaukel (hereinafter, "Gaukel"). The office action acknowledged that Elliot does not disclose reporting the location of a portable wireless monitoring device to itself. This limitation was found to be disclosed by Gaukel.

Gaukel describes a tracking system that determines when a tracked individual has left a permitted travel zone. Gaukel also provides a lamp that tells the tracked individual when a position violation has occurred. However, this lamp does not convey a location to the tracked member and cannot do so explicitly or inherently:

Finally, the figure illustrates speaker 56 and lamp 82. Speaker 56 and lamp 82 are used to provide an indication to the monitored person that he has exceeded compliance limits. In the "use arrest" situation, depending on the severity of the crime, the individual might be provided a certain limited time to correct the violation prior to action being taken.

Speaker 56 and lamp 82 provide him with both a visual and audio indication that this "grace period" has begun. (Gaukel, Col. 16, lines 2-10.)

Unlike the present invention, the lamp of Gaukel cannot assist a tracked individual to find a path back to a permitted zone. Gaukel does not, therefore, report the location of the first wireless device to the first wireless device as taught by claim 1 of the present invention. Furthermore, Elliot does not disclose any communication with the monitored to device by the monitoring system. The combination of Elliot and Gaukel does not, therefore, teach the all of the limitations of claim 1. For the foregoing reasons, Applicant submits that claim 1 is patentable over the cited prior art.

Applicant has amended claim 1 to expressly describe the monitored devices as portable and to further clarify that that a portable device on the network is able to receive its location data. For the foregoing reasons, Applicant submits that claim 1 (as amended) is patentable over the cited prior art.

Claims 2-8 and 11-12 (as amended) depend directly or indirectly from claim 1 (as amended) and thus recite all of the limitations of the base claim. Because claim 1 (as amended) is allowable over Elliot, the combination of Elliot and Gaukel does not teach or disclose all of the limitations claims 2, 3 (as amended), 4-6, 7 (as amended), 8(as amended), and 11 (as amended) and 12). For the foregoing reasons and the reasons presented with respect to claim 1, Applicant respectfully submits that claims 2, 3 (as amended), 4-6, 7 (as amended), 8(as amended), and 11 (as amended) and 12 are allowable over the cited prior art.

Claim 13 was also rejected as being unpatentable over Elliot in view of Gaukel. The office action acknowledged that Elliot did not teach the limitation, "report the location of the first member wireless device to at least the second member wireless device." This limitation was found to be disclosed by Gaukel. The office action cites Figure 2, Col. 15, lines 16-61, and Col. 19, lines 28-58 as supporting this finding. Applicant respectfully submits that while a location violation is reported to various entities described by Gaukel, none of these entities is "a second member wireless device."

In order to further clarify claim 13, Applicant has amended claim 13 to expressly describe the monitored devices as portable and to further clarify that that a portable device on the network is able to communicate directly with another portable device on the network. As

amended, claim 13 recites the limitation, “report the location data of the first member portable wireless monitored device directly to at least the second member portable wireless monitored device.” For the foregoing reasons, Applicant submits that claim 13 is patentable over the cited prior art.

Claims 14 (as amended), 15, 16, 17 (as amended), 18, (as amended) and 19 (as amended) depend directly or indirectly from claim 13 (as amended) and thus recite all of the limitations of the base claim. Because claim 13 (as amended) is allowable over Elliot, the combination of Elliot and Gaukel does not teach or disclose all of the limitations of claims 14 (as amended), 15, 16, 17 (as amended), 18, (as amended) and 19 (as amended). For the foregoing reasons and the reasons presented with respect to claim 13, Applicant respectfully submits that claims 14 (as amended), 15, 16, 17 (as amended), 18, (as amended) and 19 (as amended) are allowable over the cited prior art.

Claim 20 was also rejected as being unpatentable over Elliot in view of Gaukel. Claim 20, as examined, was directed to a system for locating members of a group. The office action determined that Elliot disclosed a system for locating members of a group by including in the group the central receive transmitter described by Elliot and the GPS satellite disclosed by Elliot. Applicant submits that the central receive transmitter and the GPS satellites are not members of the “group” described in claim 20 because the location of those elements are not determined relative to the location of the plurality of wireless devices. To further clarify claim 20, Applicant has amended this claim to expressly describe the monitored devices as portable and that the portable wireless monitored device receives location data of its location relative to the plurality of wireless devices.

The office action acknowledged that Elliot does not teach or disclose a server adapted to “report to the wireless device the location of the wireless device relative the location of plurality of the wireless devices.” This limitation was found to be disclosed by Gaukel. This finding was supported by the description in Gaukel of a lamp that “may be provided to alert the monitored person to an alert condition.” The office action further concluded that the server in Gaukel is adapted to report to the wireless device the location of the wireless device. Applicant respectfully submits that this is an overly broad interpretation of Gaukel. What is described by the Gaukel system is something less:

Finally, the figure illustrates speaker 56 and lamp 82. Speaker 56 and lamp 82 are used to provide an indication to the monitored person that he has exceeded compliance limits. In the "use arrest" situation, depending on the severity of the crime, the individual might be provided a certain limited time to correct the violation prior to action being taken. Speaker 56 and lamp 82 provide him with both a visual and audio indication that this "grace period" has begun. (Gaukel, Col. 16, lines 2-10.)

For the foregoing reasons, Applicant submits that claim 20 (as amended) is patentable over the cited prior art.

Claims 21 (as amended), 22, 23, and 24 (as amended) depend directly or indirectly from claim 20 (as amended) and thus recite all of the limitations of the base claim. Because claim 20 (as amended) is allowable over Elliot, the combination of Elliot and Gaukel does not teach or disclose all of the limitations of claims 21 (as amended), 22, 23, and 24 (as amended). For the foregoing reasons and the reasons presented with respect to claim 20, Applicant respectfully submits that claims 21 (as amended), 22, 23, and 24 (as amended) are allowable over the cited prior art.

Claims 9 and 10 have been rejected as being unpatentable over Elliot in view of Gaukel and Musa. Claims 9 (as amended) and 10 (as amended) depend indirectly from claim 1 (as amended) and thus recite all of the limitations of the base claim. Because claim 1 (as amended) is allowable over Elliot, the combination of Elliot, Gaukel, and Musa does not teach or disclose all of the limitations of claim 9 (as amended) and claim 10 (as amended). For the foregoing reasons and the reasons presented with respect to claim 1, Applicant respectfully submits that claims 9 (as amended) and 10 (as amended) are allowable over the cited prior art.

C. CONCLUSION

In view of the above information and remarks, Applicant respectfully requests reconsideration of the current rejections. For the above reasons, Applicant respectfully submits that the application is in condition for allowance with claims 1-38. Should any further questions arise concerning this application or in the event the above amendments do not place the application in condition for allowance, Applicant respectfully requests an interview with the examiner and the examiner's supervisor prior to any new office action relating to the present Application. Attorney for the Applicant may be reached at the number listed below.

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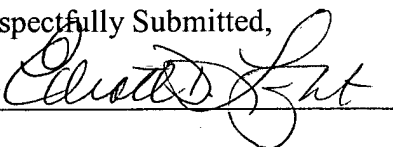
D. SUMMARY OF INTERVIEW

On February 9, 2006, a telephonic interview was conducted in which Elliott D. Light and Jon L. Roberts participated for the Applicant and Fred Casca participated for the U.S. Patent and Trademark Office. The participants discussed independent claims 1, 13, 20, 25, 31 and 32 and the Elliot and Gaukel references. Applicant agreed to amend the independent claims to better describe the claimed inventions.

The Director of the U.S. Patent & Trademark Office is authorized to charge any necessary fees, and conversely, deposit any credit balance, to Deposit Account No. 18-1579.

Respectfully Submitted,

By



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